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A color-blind Lens: public perceptions of systemic racism in the criminal justice system

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Abstract

Extensive research has explored public confidence in the criminal justice system and opinions about punishment, but less research has explored attitudes about criminal justice errors, including error related to race and racism. Drawing on the theory of colorblind racism, the current study examines attitudes about whether systemic racism exists in the criminal justice system and, if so, how the issue can best be addressed. Specifically, we examine the rhetoric respondents use to describe the role of systemic racism in the criminal justice system, paying particular attention to the presence of colorblind rhetorical frames. Findings indicate that although a majority of respondents believe systemic racism exists, many respondents attribute the problem to specific individuals or policies rather than institutions and organizations. Moreover, those who believe systemic racism does not exist often rely on colorblind rhetorical frames that justify or minimize existing racial disparities in criminal justice outcomes. These findings suggest reasons for optimism regarding efforts to address racial injustice as well as some potential obstacles.

More than fifty years after the Civil Rights Movements, racism remains a fault line in American society. This is particularly evident in the criminal justice system. For example, policymakers have called for reforms addressing racially biased policing and sentencing practices (Donnelly, 2017; Niven & Donnelly, 2020). Calls to address racial disparities in criminal justice outcomes have also come from the public in the form of nation-wide protests (Obasogie & Newman, 2017). At the same time, however, protests and legislation aimed at addressing broader racial injustice have experienced public and political resistance. Legislation aimed at addressing racial injustice has stalled in Congress (e.g., George Floyd Justice in Policing Act) and protests condemning racialized police misconduct have experienced violent backlash. The polarization regarding racial injustice exists while research continues

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to document racial disparities in criminal justice outcomes (e.g., Alexander, 2012; Russell-Brown, 2004).

Given the role the public plays in shaping policy (Duxbury, 2021; Enns, 2014; Frost, 2010), it is necessary to understand the rift in public sentiment regarding racial injustice (Civiqs, 2020; Drakulich et al., 2021). Although extensive research has explored public attitudes about, for example, crime (Piquero et al., 2010), the criminal justice system (Ramirez, 2013), and wrongful convictions (de Keijser et al., 2014; Norris & Mullinix, 2020; Scurich, 2015; Zalman et al., 2012; Zhuo, 2021), less is known about concerns regarding systemic racism in criminal justice processing. One theoretical framework that provides potential insight regarding public attitudes about race and racism in the criminal justice system is colorblind racism (Bonilla-Silva, 2006, 2015; Burke, 2016). Although the theory of colorblind racism is not often studied in a criminal justice context, the framework would suggest that, amid widespread support for criminal justice reform, policymakers and the public may downplay the role of race in reform efforts.

When considering the perceived role of race in criminal justice reform, a basic yet under-explored question emerges: does the public believe systemic racism is an issue for the criminal justice system? And if so, what types of solutions does the public recommend to address the problem? To answer these questions, we survey public attitudes about systemic racism in the criminal justice system. Consistent with public opinion about race relations (Carter & Murphy, 2015; Ghandnoosh, 2015), we expect that a majority of respondents will believe systemic racism exists in the criminal justice system. However, given changing attitudes about race and racism in the U.S. (Bonilla-Silva, 2006; Valentino et al., 2018), we also hypothesize that respondents' explanations of systemic racism will often emphasize problematic individuals or policies (e.g., the bad apples) rather than institutions and organizations. Answers to these questions advance contemporary conceptualizations of race and racism in the United States, and help explain resistance to criminal justice efforts addressing racial injustice.

In the remainder of the article, first, we briefly survey the extensive research on criminal justice policy attitudes, paying particular attention to the role of race and perceived racial injustice. Second, we review the literature on contemporary theories of racism, focusing specifically on the concept of colorblind racism. Third, we describe the methodological details of the current study, the approach used to analyze the data, and key findings from the analyses. Finally, we discuss the implications of these findings for criminal justice reform efforts, particularly those focusing on racial injustice.

Race, racism, and criminal justice policy preferences

The criminal justice system's response to crime has long been a fascinating topic for the public. As such, researchers have spent decades assessing public attitudes about crime and the criminal justice system's response to crime (Frost, 2010; Pickett, 2019; Ramirez, 2013; Roberts & Hough, 2005; Roberts & Stalans, 1997). This extensive body of scholarship assesses a range of public attitudes, including, but not

limited to, concerns about crime (Piquero et al., 2010), confidence in the criminal justice system (Ramirez, 2013), and the perceived appropriateness of punishments (Burton et al., 2020; Cullen et al., 2000). When assessing criminal justice attitudes, researchers often explore public attitudes about police. For example, extensive research has documented that public attitudes regarding the police use of SWAT (Moule et al., 2019b), police use of force (Johnson & Kuhns, 2009), and police militarization (Moule et al., 2019a) inform perceptions of police legitimacy. Research also documents support for criminal justice reform. Cullen et al. (2000), for example, illustrate how the public tends to be punitive and progressive, favoring punitive approaches to crime control while also being receptive to more rehabilitative approaches. More recently, research has documented public support for removing and regulating collateral consequences to incarceration, such as felon disenfranchisement (Burton et al., 2020).

Although extensive research explores public trust and confidence in the criminal justice system, attitudes toward the police, and opinions about punishment, less research has explored public attitudes about criminal justice errors (de Keijser et al., 2014; Norris & Mullinix, 2020; Scurich, 2015; Zalman et al., 2012; Zhuo, 2021). Much of this research either surveys public attitudes about the probability of a criminal justice error (Scurich, 2015; Zalman et al., 2012) or uses an experimental survey design to assess the situational and contextual factors affecting public attitudes (de Keijser et al., 2014; Norris & Mullinix, 2020). For example, after collecting attitudinal data from a sample of Michigan residents, Zalman et al. (2012) found that a majority of respondents believe wrongful convictions occur with some regularity, even though these attitudes did not inform support for criminal justice reform. Using an experimental survey design, Norris and Mullinix (2020) found reduced confidence in the criminal justice system when participants are exposed to factual information regarding the probability of a wrongful conviction (compared to no information).

One particular type of criminal justice error that warrants greater attention is error related to race and racism (Gomez, 2012; Pickett & Ryon, 2017; Van Cleve & Mayes, 2015). As Gomez (2012) contends, criminal justice scholarship, more generally, fails to prioritize the consideration of race and racism as a core concern, a sentiment echoed by Van Cleve and Mayes (2015). Existing research that does address this issue often explores public attitudes about police treatment of African-Americans (Haider-Markel & Joslyn, 2017; Pitman et al., 2019). For example, Haider-Markel and Joslyn (2017) found that, when assessing public perceptions of violent confrontations between police officers and Black citizens, 55% of their sample perceived acts of racialized police violence as isolated incidents rather than part of a broader problem. A similar polarization exists when analyzing social media responses to video showing the arrest of Sandra Bland, who was forcibly detained during a minor traffic violation (Pitman et al., 2019). Pitman et al. (2019) found that social media users were divided in whether they blamed 1) Sandra Bland and Black culture more broadly or 2) the arresting officer and police culture more broadly. These findings parallel broader research on attitudes about racism, which reveals the public is divided regarding whether racism is a systemic issue (Jackson & Henderson, 2019; Miller et al., 2021).

Perceptions of race, racism, and racial injustice also have important implications for criminal justice policy attitudes (Drakulich, 2015a, b; Matsueda & Drakulich, 2009). For example, Drakulich (2015a) found that individuals expressing higher levels of implicit racial bias are more likely to attribute racial inequities in criminal processing to dispositional characteristics of offenders than structural barriers or discrimination. Higher levels of implicit bias are also related to greater support for punitive criminal justice policies, such as the death penalty and tougher criminal sentencing (Drakulich, 2015b). Related research finds that other contemporary forms of racism, including symbolic racism and racial resentment are also positively correlated with support for the death penalty and other harsh punishments (Buckler et al., 2009; Green et al., 2006; Peffley & Hurwitz, 2002; Roberts & Stalans, 1997). Thus, existing research extensively documents public attitudes about the criminal justice system, but pays less attention to concerns about systemic racism in criminal justice processing, which has important implications for efforts toward criminal justice reform.

Criminal injustice through a colorblind Lens

Widespread support for criminal justice reform juxtaposed with declining overt anti-Black prejudice raises questions about why the public is divided regarding systemic racism in the criminal justice system. One potential explanation is that anti-Black prejudice still exists, but has changed in form and function. Contemporary theories of racism suggest that, although racial progress is celebrated, some still minimize the historically rooted and persistent structural underpinnings of racial inequality (Bonilla-Silva, 2006). For example, Bobo (2011) describes contemporary attitudes about race as laissez-faire racism, or a more covert, culture-centered racist ideology. Others use terms like symbolic racism (Kinder & Sears, 1981), subtle racism (Pettigrew, 1989), or aversive racism (Dovidio & Gaertner, 2004) to describe contemporary attitudes about race and racism. Regardless of which definition is used, the general idea remains the same: a new racial ideology exists wherein contemporary racism is downplayed, justified, or rationalized.

In an era that some consider post-racial, one theory of racism has been particularly helpful in understanding contemporary attitudes about race and racism: colorblind racism (Bonilla-Silva, 2006, 2015; Burke, 2016). The fundamental premise of colorblind racism is that four central frames can be used to explain public attitudes about race and racism. The first frame, *abstract liberalism*, is characterized by a belief that U.S. institutions are fair and, in particular, that legal and social processes are procedurally just. The second frame, *naturalization*, is defined by an assumption that racially disparate outcomes are occurring because of reasons other than race, suggesting disparate outcomes are naturally occurring. The third frame, *cultural racism,* is characterized by the belief that racial disparities exist because of a community-based pathology, including, for example, family disorganization, a lack of morality, and proneness to violence. Finally, the fourth frame, *minimization of racism,* emphasizes contemporary racial progress while attributing incidences of

racial discrimination to individual "bad apples," often denying the prevalence of the problem.

To test the applicability of colorblind racism to the criminal justice system, scholars often document how ostensibly race-neutral policies and practices still result in racially disproportionate outcomes, even when controlling for legally relevant factors such as offense severity (Gomez, 2012; Hagan, 1974; Richardson, 2014; Van Cleve, 2016). Fewer studies have directly assessed the impact of colorblind racism on criminal justice attitudes. The handful of studies exploring this issue typically examine how police officers perform on the COBRA scale, an extensively validated scale tapping into beliefs about white privilege, institutional discrimination, and blatant racism. Results indicate that police (compared to laypeople) are more likely to endorse colorblind racial beliefs (Hughes et al., 2016), that diversity training has mixed effects on police COBRA scores (Bornstein et al., 2012), and that greater endorsement of colorblind racial beliefs increases the propensity for officers to interact with youth of color (April et al., 2019). Yet, these studies do not explore how rhetorical frames related to colorblind racism explain public attitudes about systemic racism in the criminal justice system, which is integral to understanding challenges to addressing racial injustice.

In sum, a perceived need for criminal justice reform juxtaposed with polarized attitudes regarding systemic racism raises questions about how the public perceives the relationship between race and criminal injustice. The theory of colorblind racism suggests that even though a majority of the public supports reform efforts, segments of the population still downplay, justify, or rationalize the role of race and racism in criminal justice processing. Yet, minimal research explores how the public understands systemic racism in the criminal justice system. To address this lacuna, the current study examines public attitudes about whether systemic racism exists in the criminal justice and, if so, how the issue can best be addressed. More specifically, we examine the rhetoric respondents use to describe the role of systemic racism in the legal system, paying particular attention to the presence of colorblind rhetorical frames.

Current study

The current survey explores public attitudes about whether systemic racism exists in the criminal justice, paying particular attention to the presence of colorblind rhetorical frames. The survey also explores public opinion regarding potential solutions. Ultimately, this study answers three questions: 1) does the public believe systemic racism exists?; 2) what types of explanations does the public use to explain whether systemic racism exists in the criminal justice system?; and 3) what types of solutions does the public propose? Consistent with contemporary theories of colorblind racism (Bonilla-Silva, 2006, 2015; Burke, 2016), we expect that respondents who deny the existence of systemic racism will minimize or justify the role of race and racism in racially disparate criminal justice outcomes. However, we also expect that some respondents who believe systemic racism exists will still minimize its existence. Given the role public opinion plays in policy making, these findings provide

Table 1 Participant Demographics

		MTurk (n = 482)		Student (n = 88)		Total (n = 570)	
Variable	Description	N	% of Ps	N	% of Ps	N	% of Ps
Gender	Female	166	34.5	65	75.6	231	40.7
Race	Black	103	21.4	3	3.5	106	18.7
	White	339	70.3	51	59.3	390	68.7
	Native American/ Alaskan Native	4	0.8	0	0.0	4	0.7
	Asian/ Pacific Islander	26	5.4	15	17.4	41	7.2
	Other	10	2.1	17	19.8	27	4.8
Ethnicity	Non-Hispanic	376	78.3	56	65.1	432	76.3
Education Level	High School	69	14.3	41	47.7	110	19.4
	Associate's Degree	42	8.7	28	32.6	70	12.3
	Bachelor's Degree	303	62.9	15	17.4	318	56.0
	Graduate Degree	68	14.1	2	2.3	70	12.3
Political Affiliation	Republican	167	34.6	15	17.4	182	32.0
	Democrat	274	56.8	46	53.5	320	56.3
	Other	41	8.5	25	29.1	66	11.6

insight to the perceived relationship between racism and the need for criminal justice reform.

Methods

Participants and procedure

Participants ($N = 507$) for this study were recruited via Amazon's Mechanical Turk (MTurk), an online platform used for distributing surveys to a diverse, national pool of potential respondents (Buhrmester et al., 2011, 2018). Mechanical Turk has become increasingly popular among social science research, in large part, because the platform offers the advantages of speed, efficiency, and lower costs in data collection (Dillman et al., 2014; Shank, 2016). Participation in this study was limited to English-speaking U.S. residents that are at least 18 years old. Participation was also limited to individuals whom have successfully completed at least 95% of their previous MTurk tasks, a threshold which has been shown to improve the reliability of responses (Peer et al., 2014). Eligible participants read a brief description of the survey, which explained that the survey assesses attitudes about the criminal justice system. Participants who opted to participate received $1.00 for completing the survey. After excluding participants who did not complete the key survey items ($n = 25$), the MTurk sample consisted of 482 participants. A complete list of participant demographics is presented in Table 1.

To supplement the responses collected from MTurk, participants ($n = 88$) were also recruited from a large Northwest University. This supplemental sample was

collected, in large part, to assess the rhetorical frames used to explain systemic racism by college undergraduates, whom are often portrayed as more liberal (Farnworth et al., 1998; Lambert, 2004; Mackey & Courtright, 2000). Participants, whom were completing research for credit in social science courses, were provided with information about the survey and then opted to participate if they met the eligibility requirements. Similar to the MTurk respondents, eligible students completed the survey online. Again, participation was limited to English-speaking U.S. residents that are at least 18 years old (see Table 1 for complete list of student demographics).

In total, the final sample consisted of 570 participants, including 482 MTurkers and 88 undergraduate students. This study analyzed respondents' comments to two questions: 1) "Do you believe that systemic racism exists in the criminal justice system?" and 2) "Can racial bias in the criminal justice system be reduced?" These questions were accompanied by a "yes" or "no" response option, as well as an open-ended response section which allowed respondents to explain their position or leave additional comments. This approach, which is consistent with recent approaches to public opinion research, provides additional context to traditional research using Likert scales and dichotomous response options to measure public attitudes (Edwards & Miller, 2019; Kirshenbaum & Miller, 2020; Murphy et al., 2021). More specifically, this approach allows participants to provide richer explanations of their perspective, including how they rationalize or justify their belief regarding whether systemic racism exists. This approach also allows for participant opinions that may not have been included in close-ended questions. Finally, it is important to note that the current study purposively does not define systemic racism for participants in order to explore public perceptions of the term.

Coding scheme

To accommodate the two sets of open-ended questions, two different codebooks were created. The first codebook referenced the question, 'Do you believe that systemic racism exists in the criminal justice system?' Through content analysis, themes were assessed in the respondent's comments. Some of the themes reflect respondent's arguments for why systemic racism exists (e.g., 'cognitive bias,' 'social/cultural bias,' 'historical bias') while others reflect arguments for why systemic racism does not exist (e.g., 'Abstract Liberalism,' 'Naturalization,' 'Cultural Racism'). The coding scheme also resulted in a category to reflect whether respondents were uncertain about whether systemic racism exists. Respondents' comments were coded as '1' if they contained references to the category and '0' if the category was not present.

The second codebook referenced the questions, 'Can racial bias in the criminal justice system be reduced?' and 'Do you have any suggestions for how to improve the situation?'. For this portion of the coding scheme, themes were categorized to understand respondent's opinions about the possibility of reducing racial bias in the criminal justice system as well as potential solutions to address systemic (e.g., 'training,' 'policy change,' 'increase in resources').

Table 2 Participant Belief in Systemic Racism in the Criminal Justice System

	Yes	No	Unsure
MTurk (N = 423)	69%	19%	12%
Student (N = 86)	86%	8%	6%
Total (N = 509)	72%	17%	11%

Prior to coding all participant responses, inter-rater reliability testing was conducted. This was done in an effort to reduce subjectivity in coding and determine if the raters interpreted the comments comparably. To do so, two independent coders conducted an initial coding of 20 comments to refine the coding scheme and identify and discuss areas of disagreement. Once the codebooks had been updated, a random selection of 20 comments were coded by the two coders. Agreement was found for 92% of the codes, which reflects a high rate of agreement (Hallgren, 2012). After completing inter-rater reliability testing, the complete set of responses were coded.

Results

Of the 570 participants who responded to the survey, 509 participants responded to the open-ended question about whether systemic racism exists in the criminal justice system. The breakdown of those 509 responses included 423 MTurk respondents and 86 undergraduate student respondents. As seen in Table 2, of the 423 MTurk respondents, 69% of respondents believe that systemic racism exists in the criminal justice system ($n = 292$), 19% believe that it does not ($n = 80$), and 12% are unsure as to their position ($n = 50$). Of the 86 student respondents, 86% of respondents believe that systemic racism exists in the criminal justice system ($n = 74$), 8% believe that it does not ($n = 7$), and 6% are unsure as to their position ($n = 5$). The results below highlight distinct arguments used to explain whether systemic racism exists in the criminal justice system.[1]

Belief in systemic racism

A majority of respondents believe that systemic racism exists in the criminal justice system (MTurk $n = 292$) and offer a variety of arguments to support their position. A plurality of respondents pointed to issues within and throughout the criminal justice system as evidence (MTurk n = 121). For example, some respondents find systemic racism issues in the criminal justice system as a whole (MTurk $n = 44$), while others point to a courts problem (MTurk $n = 63$) or a police problem (MTurk $n = 14$). When examining the system as a whole, one respondent

[1] It is worth noting that a number of respondents answered 'yes,' 'no,' or 'unsure,' to the question of whether systemic racism exists in the criminal justice system, but their open-ended responses were unclear or undiscernible (MTurk $n = 106$; student $n = 2$).

mentioned that "The trend in addition to more recent events related to the criminal justice system shows systemic racism exists." In looking at the individual entities of the system, one respondent mentioned that systemic racism exists within the court system, "If we look at the make up of our prison populations and compare that to the make up of our society in terms of race/ethnicity it becomes apparent that there is a problem.." When referencing systemic racism surrounding police, respondents noted that "Blacks are clearly treated worse than whites by police officers" and "I am thinking about the fact that there have been a questionable number of cases where cops have unfairly targeted black people and treated them as suspects without reasonable cause, sometimes leading to their demise." Although several respondents acknowledged the systemic or institutional nature of racism, it is notable that some respondents who acknowledge systemic racism exists, still attribute the problem to individual actors and specific entities, such as police or judges.

A majority of the student sample also affirmed their belief that systemic racism exists in the criminal justice system (student $n = 74$). Many respondents cited issues within and throughout the criminal justice system as evidence (student $n = 35$). Like the MTurk sample, some respondents find systemic racism issues in the criminal justice system as a whole (student $n = 19$), (e.g. "Racism is very prevalent in the criminal justice system because it is integrated in the justice system,") while others point to a courts problem (student $n = 11$), (e.g. "It is proven in many cases that blacks/minority groups are judged harsher for similar crimes than whites,") or a police problem (student $n = 5$) (e.g. There have been case upon case to show that police use excessive force towards any black person or any person of color...").

Another common explanation referred to the broader cultural, societal, or historical context of racism in the U.S. (MTurk $n = 28$). For example, one respondent noted that "This is like trying to explain why water is wet. Systemic racism exists in society... so of course it exists in the criminal justice system too, because it is made up of people, with prejudices of their own, working within a legal framework that is in itself racist." Others refer to racism being a historical effect (MTurk $n = 16$). For example, one respondent stated that "Our criminal justice system was created at a time when racism was prominent and accepted by society at large, so the whole system was founded in racism." Arguments focusing on the socio-historical context were also prominent in the student sample, with some pointing to the pervasiveness of racism in society writ-large (student $n = 13$) and others noting the historical existence of racism in the U.S. (student $n = 13$). In other words, many respondents believe systemic racism exists in the criminal justice system because it exists in society more broadly and has existed throughout history.

Finally, respondents mentioned that the presence of implicit biases and stereotypes (MTurk $n = 22$) provide evidence for why systemic racism occurs. For example, one respondent stated that "I believe personal bias and prejudice has been accepted and encouraged in the criminal justice system and maintained by those in power," while another said, "I think that certain groups of people are treated less fairly than others even if it its not a conscious bias it's still an implicit bias." This argument, much like many of the arguments focusing on problematic criminal justice actors, also focused on an individual-level explanation for systemic racism.

The student sample did not include many responses referencing the presence of implicit biases and stereotypes as evidence of systemic racism (student $n = 4$). For example, one respondent stated that "I believe that there is systemic racism in the criminal justice system. I think that police have an immense amount of room in discretion that allows those who have prejudices are able to act on them and treat people differently. I believe players in the criminal justice system act sometimes based upon internal biases that they may not control."

There were a few 'yes' responses that did not fit into one of the coded themes (MTurk $n = 25$). A number of these responses included an unequivocal yes without further discussion. Some of these responses did share some commonalities, such as change will only happen when racism no longer exists (e.g. 'get rid of racists') or that systemic racism exists but is difficult to quantify (e.g. 'it's a tough issue'). The student sample that responded yes but did not fit into the coded themes (student $n = 7$) reflected similar ideas as the MTurk sample.

Disbelief in systemic racism

Although less common, some respondents did not believe that system racism exists in the criminal justice system and provided a variety of explanations (MTurk $n = 80$). The use of colorblind racism theory served as our basis for interpreting these explanations. More specifically, we note four themes related to the theory of colorblind racism that are consistently present: abstract liberalism, naturalization, cultural racism, and minimization of racism.

A plurality of respondents suggested that racism is an exaggerated issue and there are only a few bad apples (MTurk $n = 35$), illustrating the *minimization of racism*. For example, one respondent noted that "Of course there are bad seeds in every system but I do not believe the majority feel negatively against certain races (not anymore)," while another stated, "I think the issue is over exaggerated." Some respondents suggested that the criminal justice system is fair and without bias (MTurk $n = 21$), encompassing *abstract liberalism*. For example, one respondent mentioned that "Now a days everyone are treated equally in front of law" while another stated "No, "systemic racism" is just a buzz word used by progressives to push their identity politics. Laws are equal for everyone...they apply equally under the law...you cannot have systemic racism if there's zero racist laws…" Other respondents suggested that punishments and disparities are a necessary part of the system (MTurk $n = 10$), emphasizing *naturalization*. For example, one respondent indicated that "I've seen first hand who goes to prison. I have white friends who've been to prison. If you break the law you go to prison, black and white" while another mentioned that "Because crime is every day increased." Thus, many of the respondents who believe systemic racism does not exist in the criminal justice system minimize or justify existing racial disparities in criminal justice outcomes.

The least common argument for why systemic racism does not exist is that racial disparities are natural byproduct of differential involvement in crime (MTurk $n = 9$), an argument relating to *cultural racism*. For example, one respondent stated that, "Blacks are poor. Poor people are uneducated and in tough conditions. Therefore

they turn to crime and are around crime. Police aren't the brightest people in the world. They see Blacks committing crimes everyday, and this reinforces their stereotypes. They form a tight brotherhood with other racists in the police department. Every time they see a Black person, they go on high alert. It is a self-fulfilling prophecy. It is a vicious, repeating cycle." The paucity of respondents relying on this argument may suggest a shift in how the public thinks about race and racism; racially coded arguments about differential involvement in crime may be less palatable today than during the "tough-on-crime" era of punishment. Finally, some respondents stated their position unequivocally but did not expand on their reasoning (MTurk $n = 10$).

Few students cited a disbelief in systemic racism (student $n = 7$). In terms of the theory of colorblind racism, respondents provided reasonings for minimization of race (student $n = 4$) (e.g. "I believe there is some racism in the criminal justice system, but it is more in specific actors rather than the entire system. So there is not systematic racism, but rather racist people in the system"), abstract liberalism (student $n = 3$), naturalization (student $n = 3$), and cultural racism (student $n = 1$) (e.g. While systematic racism may be prevalent in our society, I don't believe it is due to racism by law enforcement. Statistics have shown that certain races commit more crime than others, and that is why I think law enforcement may seem more heads up when dealing with them").

Uncertainty regarding systemic racism

There were responses provided by respondents that indicate uncertainty regarding whether systemic racism exists in the criminal justice system (MTurk $n = 19$). These responses often centered around the unknown or intangible scope of the posed question. Some examples of this include, "I'm sure that there is but I don't know as I have never experienced it myself," and "I'm not sure if the media just shows one side of the story when it is also happening to other races but not being shown." There were also a few student respondents (student $n = 3$) who indicated uncertainty as well, with one respondent stating, "I've heard a lot about it existing and not existing, but I don't know enough to say yes or no." In other words, those who were uncertain often obfuscated by pointing to a lack of knowledge or first-hand experience.

Solutions to addressing racial Bias

A variety of possible solutions to improve racial bias in the criminal justice system were offered by respondents, in response to our third research question. Of the 570 participants who responded to the survey, 542 participants responded to the question about whether racial bias in the criminal justice system can be reduced. The breakdown of the 542 participants included 455 MTurk respondents and 87 student respondents. As seen in Table 3, of the 455 MTurk respondents, 68% of respondents believe that racial bias in the criminal justice system can be reduced ($n = 309$), 15% believe that racial bias in the criminal justice system cannot be reduced ($n = 68$), and 17% are unsure as to their position ($n = 78$). Of the

Table 3 Recommended Solutions to Address Problem

	Yes	No	Unsure
MTurk (N = 423)	69%	19%	12%
Student (N = 86)	86%	8%	6%
Total (N = 509)	67%	13%	20%

87 student respondents, 62% of respondents believe that racial bias in the criminal justice system can be reduced ($n = 54$), 3% believe that racial bias in the criminal justice system cannot be reduced ($n = 3$), and 34% are unsure as to their position ($n = 30$). The 363 participants who responded yes to the racial bias question were provided with a follow-up question, asking about suggestions to improve the situation.

A plurality of solutions focused on policy changes, often to improve individual accountability (MTurk $n = 50$) For example, one respondent suggested to "Elimate cash bail, get rid of mandatory minimums, permantly fire cops with a history of racially motivated arrests." Another popular recommendation included trainings, education, and workshops aimed at reducing racial bias (MTurk $n = 48$). Examples of these suggestions include "Have more diversity training for everyone that works in the system" and "Training and holding officials accountable for bad behavior." In other words, respondents focused on individual change and growth as solutions.

Respondents also suggested policy changes in terms of the broader criminal justice system (MTurk $n = 44$). One of these suggestions included "Demilitarize the police. End qualified immunity. Allow all felons to vote so that there is no incentive to selectively target racial minorities and blacks for incarceration as a measure of voting suppression. Better welfare programs to uplift poor communities." Another respondent recommended to "Create Fair and Effective Policing Practices. Promote Justice in Pre-Trial Services and Pact Ensure Fair Trials and Quality Indigent Defense, Encourage Equitable Sentencing. Ensure Decent Detention Conditions." Unlike previous respondents, these suggestions for solutions targeted system-wide change.

Although less common, respondents noted a need to understand and recognize the issues taking place (MTurk $n = 16$). One respondent stated, "I think we have to start by acknowledging the problem and taking a hard look at solutions," while another noted "The racial problem has always been there but in recent years it has been very marked. I think that if we understood that a skin color does not define us, the world would be better." That is, some respondents referred to acknowledgement as the necessary solution.

Other recommendations from respondents encompassed increasing diversity in hiring practices (MTurk $n = 14$), increasing resources (MTurk $n = 6$), and conducting research (MTurk $n = 5$). Examples included "Increased resources for police officers. Create a combination police officer and social worker positions" and "Conduct studies that can show problem areas and ways we can address such problem areas." Lastly, some respondents chose not to provide a proposed solution or were unclear in their response (MTurk $n = 145$).

While most of the recommendations from the student respondents were comparable to the MTurk sample, there was a greater emphasis placed on trainings, education, and workshops aimed at reducing racial bias (student $n = 22$). One respondent highlighted the need to "Thoroughly screen and train every individual who enters the criminal justice system just as they do in the military to understand their background and their views," while another focused on the need to "Start teaching how to put racial biases aside when officers go through the academy. Consistent training in the police department to put racial biases aside could improve the situation of racial biases during policing."

Other recommendations that were aligned with the MTurk sample included policy changes to improve individual accountability (student $n = 12$) (e.g. "Longer process to make sure those in power are not discriminating or have discriminatory views,") and policy changes in terms of the broader criminal justice system (student $n = 11$) (e.g. "Dismantle the whole criminal justice system, and start again"). There was an even split in the solutions recommended by the student sample between individual change and system change.

In terms of the need to understand and recognize the issues taking place (student $n = 9$), one responded stated, "That is a hard question. How do you eliminate implicit biases? Sensitivity training? I think that this issue goes beyond HR and is a social issue that should be handled by instilling kindness into our children and not only the idea of equality for all but an ability to overlook color and take people at their word and actions. Until we stop segregating everyone by the color of their skin (which I believe is done by everyone and not one specific group, race, political party, etc.), we cannot eliminate implicit biases and raise new generations that treat people based on their words and actions, not the color of their skin."

Finally, other recommendations from respondents encompassed increasing diversity in hiring practices (student $n = 4$), increasing resources (student $n = 3$), and conducting research (student $n = 1$). Examples included "employ equal number of officers of all races" and "Require mandatory education for certain positional level to weed out certain individuals, push/thrive/and find ways to more quickly hire for diversity within, etc." Lastly, a few respondents chose not to provide a proposed solution or were unclear in their response (student $n = 3$).

To better understand respondent solutions, we also explored where recommendations should be targeted. When examining the entities targeted in the proposed solutions, MTurk respondents were mixed. A plurality of the recommendations targeted policing (MTurk $n = 32$) and the criminal justice system (MTurk $n = 32$), which included solutions proposed for the criminal justice system as a whole or multiple agencies within the system. However, a number of respondents also recommended focusing on education (MTurk $n = 26$), which covered any training and education surrounding anti-racist practices, and the courts (MTurk $n = 25$). Although less common, some respondents provided recommendations addressing change in legislation or statutes (MTurk $n = 6$), particularly related to how punishments are implemented, and politics/media (MTurk $n = 2$), which included solutions that involve changing the narrative provided by politics or the media.

In examining the student sample, there was some differences in the suggestions regarding target entities. The solutions surrounding education (student $n = 19$), the

criminal justice system (student $n = 16$), and policing (student $n = 14$) were more prevalent. Few proposed solutions focused on the courts (student $n = 2$) and legislation (student $n = 1$),

Discussion

To address continued racial disparities in criminal justice processing, policymakers and the public have called for reforms addressing racially biased policing and sentencing practices (Donnelly, 2017; Niven & Donnelly, 2020; Obasogie & Newman, 2017). At the same time, policy change aimed at addressing broader racial injustice have been highly criticized, illustrating the rift in public sentiment regarding race, racism, and criminal justice processing (Civiqs, 2020; Drakulich et al., 2021). Although scholars have extensively documented racial disparities in criminal justice outcomes, less is known about why the public is divided regarding systemic racism in the criminal justice system (Gomez, 2012; Van Cleve & Mayes, 2015), which is integral to understanding support for criminal justice reform. To address this gap, we examine attitudes about whether systemic racism exists in the criminal justice system and, if so, what can be done to address the problem. In particular, we explore rhetorical arguments respondents use to describe the existence of systemic racism, paying particular attention to the presence of colorblind rhetorical frames.

Findings from this study indicate that a majority of respondents believe systemic racism exists in the criminal justice system. This trend was documented for participants recruited via MTurk as well as the supplemental student sample. Although a majority of respondents believe systemic racism exists, there was variation in the arguments respondents used to support their position, including documenting racial disparities in criminal justice outcomes as well as broader societal, cultural, and cognitive explanations. Paradoxically, many respondents who believe systemic racism exists attributed the problem to specific criminal justice entities, such as the police. Additionally, respondents who do not believe systemic racism exists often relied on colorblind rhetorical frames to minimize or justify racial disparities in criminal justice outcomes. Finally, respondents who believe a problem exists recommended a variety of solutions, many of which emphasized increasing accountability and training. These findings have implications for theory and policy, particularly when considering the role of public opinion in criminal justice reform efforts.

First, respondents who do not believe systemic racism exists often relied on rhetorical arguments that minimized or rationalized existing racial disparities in criminal justice outcomes. Similar to prior research on colorblind racism (Bonilla-Silva, 2006; Burke, 2016), skeptics of systemic racism commonly argued that racial disparities are less about structural conditions and more about dispositional or community characteristics. In fact, some respondents who do not believe in systemic racism went as far as contending that the idea of systemic racism is a hoax or media ploy. These findings extend contemporary theories of racism by illustrating how, even during an era of criminal justice reform, colorblind racism works to minimize the role race and racial injustice should play in reform efforts. This may explain why research emphasizing racial disparities in incarceration rates often results in

less public support for criminal justice reform (Hetey & Eberhardt, 2014; Peffley & Hurwitz, 2007; Peffley et al., 2017; Wozniak, 2019). This is also the case when describing that social policies will be directed towards African-American communities to address criminogenic factors (Wozniak, 2019). As such, these findings also highlight a need for further research exploring more explicit attitudes about race and racism as well as public concerns regarding reforms targeting racially biased criminal justice practices (Petersen, 2019).

However, it is also important to acknowledge that respondents who believe systemic racism exists also relied on arguments that minimized the *systemic* nature of racial inequality in the criminal justice system. For example, many respondents, in articulating why systemic racism exists, focused on individual bad actors or specific entities within the criminal justice system, such as explanations focusing on racialized police violence as evidence of a problem. Others focused on cognitive explanations, citing unconscious bias as evidence for why systemic racism occurs. However, focusing on "bad apples" or implicit bias can result in individualized solutions that ignore broader institutional problems (Petersen, 2019). As Petersen (2019) contends, racial disparities are ultimately attributed to "rogue uninformed racists or mysterious and pervasive implicit biases" (p. 2). As such, these findings may help explain why current reform strategies often target cognitions or behaviors of individual legal actors, including, for example, implicit bias training for police (Petersen, 2019) and "bench cards" intended to help judges reduce implicit bias in their rulings (Perez et al., 2017).

Respondents from both the MTurk and student sample proposed a variety of solutions to address systemic racism. Many of these solutions focused on increasing accountability, particularly those targeting the "bad apples" within the criminal justice system. Recommendations included increasing education and training about racism or anti-racism practices, improving the diversity of criminal justice actors in order to address racism, and providing additional resources and research to combat systemic racism. Many respondents also expressed the importance of recognizing and acknowledging racism. Although recognition is a crucial step in challenging discriminatory behaviors (Fraser & Honneth, 2003; Lee, 2017), researchers and policy makers must continue focusing on broader policy changes in order to address the underlying causes of systemic racism.

Although prior research contends that college education can impose a liberalizing influence on students' views (Astin, 1977; Farnworth et al., 1998) we find that a majority of respondents in both samples express similar ideas about systemic racism. For example, although respondents in both samples generally believe systemic racism exists in the criminal justice system, many respondents focus on problematic individuals rather than the institution. It may be the case that when no definition of systemic racism is provided, respondents use their own interpretation, which may help explain the polarization regarding the concept. Although college may have a liberalizing effect, these findings also highlight a potential shift in the broader American public: an acknowledgement, albeit limited, of the problematic role race has played in our criminal justice system.

Although these findings provide important insight regarding concerns about race, racism, and criminal justice processing, it is important to acknowledge that

we explore these attitudes with a two-item survey. That, is respondents were asked about whether systemic racism exists in the criminal justice system and, if so, which solutions would be most helpful. Respondents were then given the space to explain their answers. It is possible that the specific questions used in this survey informed the responses from participants (Applegate & Sanborn, 2011). Yet, arguably, this approach yields a necessary baseline understanding regarding public attitudes for an under-explored topic. Furthermore, this approach, which has also been used to assess public opinions of judges, has been shown to produce rich data that can inform policy decisions (Edwards & Miller, 2019; Kirshenbaum & Miller, 2020; Murphy et al., 2021).

It should also be acknowledged that the samples used in these studies are not probability samples representative of the United States population. However, at the same time, the sampling approach used in this study provides important insight regarding public opinion. Across two distinct samples, which vary across, for example, race, gender, and political affiliation, respondents generally believe that systemic racism exists in the criminal justice system while focusing on non-systemic explanations. Thus, although these findings cannot be generalized to the entire U.S. population, supplementing data from Mechanical Turk with data from a more traditional sampling approach provides an important starting point for research on public attitudes about systemic racism in the criminal justice system.

Research efforts measuring public opinion are vital for future policy and practice reform. For example, findings from this study highlight the existing awareness of the problematic role race plays throughout our criminal justice system; this awareness exists across two distinct samples. However, findings also indicate variation across individuals regarding how they understand the problem as well as the potential solutions. Future research should build on the current findings by exploring how demographics may inform perceptions of systemic racism. Additionally, future research should explore how participant perceptions of the problem relate to which types of criminal justice reform are supported.

These findings come at a time when the public is grappling with criminal justice reform, which includes how and why specific reform policies should be implemented; public opinion is integral to these decisions. At the same time, politicians and the public are grappling with the role race plays in societal outcomes, particularly related to the criminal justice system. These findings provide some reason for optimism regarding efforts to address racial injustice as well as some potential obstacles. That is, the public generally believes that systemic racism is an issue in the criminal justice system, which suggests policy makers may face less resistance to expanding their constituents' "zone of acquiescence," or the range of policies the public will tolerate before mobilizing opposition (Stimson, 1999). However, these findings also highlight the need to explore the implications of skepticism related to systemic racism as well as potential interventions to educate the public about the role of structural racism and social disadvantage in criminal justice processing.

Declarations

Conflict of interest/competing interest The authors have no relevant financial or non-financial interests to disclose.

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